

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

Plaintiff,

-v.-

ALL MONIES, FUNDS AND ASSETS  
CONTAINED IN MERRILL LYNCH  
ACCOUNT XXXX7N02, HELD IN THE NAME  
OF "AURELIA INFRASTRUCTURE, INC.,"  
AND ALL FUNDS TRACEABLE THERETO,  
INCLUDING ACCRUED INTEREST,

Defendant-*in-rem*.

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STATE OF NEW YORK )  
COUNTY OF NEW YORK : ss.:  
SOUTHERN DISTRICT OF NEW YORK )

DECLARATION OF  
ASSISTANT UNITED STATES  
ATTORNEY SHEB SWETT

21 Civ. 3918 (PGG)

SHEB SWETT, under penalty of perjury, declares:

1. I am an Assistant United States Attorney in the Office of Audrey Strauss, United States Attorney for the Southern District of New York, attorney for plaintiff herein. I have responsibility for the above-captioned matter, and as such, I am familiar with the facts and circumstances of this case. This Declaration is submitted in support of the Government's application for a Judgment of Forfeiture with respect to the above-captioned Defendant-*in-rem*.

2. On May 3, 2021, the United States commenced an *in-rem* forfeiture action seeking the forfeiture of the Defendant-*in-rem*, by the filing of a Verified Complaint for Forfeiture (the "Verified Complaint"). The Verified Complaint alleged that the Defendant-*in-rem* us subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(A) and Title 21, United States Code, Section 881.

3. Beginning on or about May 5, 2021, and continuing through June 3, 2021, the Government published notice of the Verified Complaint for Forfeiture against the Defendant-*in-rem* on the official government internet site, [www.forfeiture.gov](http://www.forfeiture.gov), for at least 30 consecutive days, and proof of such publication was filed with the Clerk of this Court on July 6, 2021 (D.E. 11).

4. As set forth in Rule G(4)(a)(ii) and Rule G(5)(a)(ii), the notice of forfeiture specified the Defendant-*in-rem* and the intent of the United States to forfeit and dispose of the Defendant-*in-rem*, thereby notifying all third parties of their right to file a claim to adjudicate the validity of their alleged legal interest in the Defendant-*in-rem*, within sixty days from the first day of publication of the Notice on the official government internet site.

5. No claims or answers have been filed or made in this action and no other parties have appeared to contest the action, and the requisite time periods in which to do so, as set forth in Title 18, United States Code, Section 983(a)(4)(A) and Rule G of the Supplement Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims, have expired.

6. The United States, Aurelia Infrastructure, Inc. (“Aurelia”) and the Ultimate Beneficial Owners (the “UBOs”) of the Defendant-*in-rem* entered into a Stipulation and Order of Settlement (the “Order of Settlement”), entered by this Court on May 10, 2021 (D.E. 6), wherein Aurelia and the UBOs agreed to forfeiture of \$7,000,000 in United States currency to the United States in settlement of this forfeiture action (the “Settlement Funds”).

7. The Order of Settlement authorized the United States Marshals Service to seize the Settlement Funds and hold them in its secure custody and control pending entry of a Judgment of Forfeiture.

8. Accordingly, the Government respectfully requests that the Court enter the attached proposed Judgment of Forfeiture, attached hereto as Exhibit A.

9. There has been no prior application for the relief sought herein. I declare the foregoing to be true and correct pursuant to Title 28, United States Code, Section 1746.

Dated: New York, New York  
July 6, 2021

A handwritten signature in blue ink, appearing to read 'Sheb Swett', is positioned above a horizontal line.

SHEB SWETT  
Assistant United States Attorney